

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

UNIVERSAL ENVIRONMENTAL
ENERGY CORP.,

Plaintiff,

vs.

DONALD COX and CAPTIVE ENERGY,
INC.,

Defendants.

MEMORANDUM DECISION AND
ORDER GRANTING IN PART
PLAINTIFF'S MOTION TO AWARD
COSTS AND ATTORNEY'S FEES

Case No. 2:03-CV-994 TS

Plaintiffs move for an award of costs and attorney fees. On May 8, 2005, the Court found Defendants to be in civil contempt and awarded Plaintiffs \$30,000 in damages, plus attorney fees and costs incurred in connection with the contempt proceedings (Contempt Order ¹). On May 9, 2006, the clerk of court entered a judgment in accordance with the Contempt Order.²

Plaintiffs submit their Motion to Award Costs and Attorney Fees and support their Motion for \$2,480.50 in attorney fees with an Affidavit. There is no request for, or

¹Docket No. 32.

²Docket No. 33.

itemization of, any costs. Defendants have not filed a response to the Motion for an Award of Attorney Fees. The Court finds that the requested attorney fees are reasonable and were incurred in connection with the contempt proceedings. Accordingly, they will be awarded.

Plaintiff also requests that the Judgment be amended to add a paragraph providing that the Plaintiff be authorized to also recover costs and attorney fees incurred in the collection of the Judgment. The Court notes that a Motion to Award Attorney Fees is not the appropriate vehicle for a motion to alter or amend a judgment to add additional provisions.³ Plaintiff's Motion does not cite to any authority for inclusion of such a provision. The Federal Rules of Civil Procedure do not appear to provide for inclusion of future costs of collection in a federal court judgment.⁴ In the absence of any citation by Plaintiff to authority for adding such a provision after the Judgment has been entered, the Court will deny the request. Based upon the foregoing, it is therefore

ORDERED that Plaintiff's Motion to Award Costs and Attorney Fees is GRANTED in PART and attorney fees are awarded in the amount of \$2,480.50. It is further


³See Fed.R.Civ.P. 59 and 60(a).

⁴See Fed. R. Civ. P. 54(d) and 58(c).

ORDERED that Plaintiff's Motion to Award Costs and Attorney Fees is DENIED to the extent that it requests alteration or amendment of the Judgment to add an entirely new paragraph awarding additional relief.

DATED September 21, 2006.

BY THE COURT:



TED STEWART
United States District Judge